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HOSPITAL GUIDANCE FOR PARTIAL IMPLEMENTATION OF THE INTERSTATE NURSE LICENSURE COMPACT

August 2023

Pursuant to the Pennsylvania Department of Health's (Department) authority under 28 Pa. Code § 51.31, effective immediately, the Department will receive and grant exceptions to regulations as outlined in this guidance to allow hospitals to employ or contract with registered nurses (RNs) and licensed practical nurses (LPNs) holding an active multistate license (MSL).

Background

[Act 68 of 2021](#) authorizes the Commonwealth of Pennsylvania's entrance into the interstate Nurse Licensure Compact (Compact). Participation in the Compact allows a state to issue its resident nurses an MSL, which permits the licensee to practice in any other Compact state. In accordance with the [Pennsylvania Department of State](#), the Commonwealth is partially implementing the Compact by permitting RNs and LPNs residing in other Compact states and holding an active MSL (eligible MSL nurses) to practice in Pennsylvania.

To facilitate the partial implementation of the Compact, the Department has identified the regulations that may be a barrier to hospitals seeking to utilize eligible MSL nurses and has developed a structured exception process to overcome those barriers. The MSL Compact exception request is available to any hospital licensed by the Department that submits an exception request as outlined below.

MSL Compact Exception Request Content

A hospital seeking to utilize the MSL Compact structured exception process must submit an exception request to the Department as outlined below. To streamline this process, the Department has created an MSL Compact structured exception form, which is attached to this guidance.

On the [exception request form](#), the hospital must select the regulation(s) to which it is seeking an exception and include a brief narrative which states that the facility is requesting the exception for the purpose of employing or contracting with eligible MSL nurses and will have a process in place to verify MSLs prior to employing or contracting with eligible MSL nurses.

Hospitals submitting an MSL Compact structured exception request are eligible for exceptions to the following regulations:

28 Pa. Code § 101.4. Definitions.

An exception to this regulation will allow eligible MSL nurses to qualify as a "licensed practical nurse" or "professional nurse/registered professional nurse" or "registered nurse" in the hospital setting.

28 Pa. Code § 109.7. Nursing staff qualifications.

An exception to this regulation will allow hospitals to utilize eligible MSL nurses as nursing staff.

MSL Compact Exception Request Approval

MSL Compact structured exception requests must be published in the *Pennsylvania Bulletin* for a 10-day public comment period prior to the Department granting the request. After the public comment period concludes and any comments are considered, the Department will issue a written determination to the facility. As with any exception, the Department reserves the right to revoke any exception granted under this process for any justifiable reason.

The MSL Compact structured exception request will not require an onsite survey.

Other Information

Facilities who want to verify the status of a nurse's MSL can go to www.nursys.com, the National Council of State Boards of Nursing's (NCSBN) central repository for licensing information, and click on "Quick Confirm."

Hospitals are required to maintain full or substantial compliance with all applicable regulations. The purpose of this document is to provide guidance to hospitals on utilizing eligible MSL nurses and is not an exhaustive list of regulatory requirements. Nothing in this guidance should be construed as affecting or interpreting any Federal or State law or regulation outside of the Department's jurisdiction that may limit the ability of health care facilities to utilize eligible MSL nurses.

Please contact the Division of Acute and Ambulatory Care (DAAC) Central Office at ra-daac@pa.gov if you have questions that are not addressed by the guidance.